

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ULYSESS SAMUEL FRANCIS,

Plaintiff,

- against -

SECURITAS SECURITY CORP.,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

MEMORANDUM AND ORDER

13-CV-4722 (RRM) (CLP)

On August 19, 2013, plaintiff Ulysess Samuel Francis filed this *pro se* complaint alleging employment discrimination under Title VII of the Civil Rights Act of 1964. On December 4, 2013, in a Memorandum and Order, this Court found that plaintiff's complaint failed to state a claim upon which relief could be granted. Specifically, plaintiff failed to plead facts sufficient to demonstrate that he properly exhausted his administrative remedies, or to supporting a claim of discriminatory treatment.

Given plaintiff's *pro se* status, and out of an abundance of caution, the Court granted plaintiff thirty days from the date of that Order to file an amended complaint. Plaintiff was advised that, if he failed to submit an amended complaint within the allotted time, the complaint would be dismissed for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). On December 5, 2013, the Clerk of the Court mailed a copy of that Memorandum and Order to plaintiff's home address via U.S. mail, as reflected on the docket.

More than sixty days have now elapsed, and plaintiff has failed to respond to the Court's Order or otherwise contact this Court. Accordingly, it is hereby **ORDERED** that the complaint is dismissed. 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in*

forma pauperis status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to close this case. The Clerk of Court is further directed to transmit a copy of this Memorandum and Order, along with the accompanying judgment, to plaintiff via U.S. Mail, and to note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York

Roslynn R. Mauskopf

February 7, 2014

ROSLYNN R. MAUSKOPF
United States District Judge